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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,930	07/21/2005	Youichirou Sugino	052805	9553

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

HON, SOW FUN

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

12/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,930

Applicant(s)

SUGINO ET AL.

Examiner

SOPHIE HON

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CD/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Request for Reconsideration

1. The 35 U.S.C. 103(a) rejection of claims 1-5, 9-11 over Matsumoto in view of Kitamura as presented in the Office action dated 03/31/08 is withdrawn due to Applicant's clarification that the term "acetalization" in the JPO website Machine English translation of JP 07-134212 refers to the introduction of acetal groups instead of acetyl groups even though some JPO website Machine English translations of other Japanese documents refer to the latter. Upon further consideration, however, the same references are used to formulate the new grounds of rejection set forth below.

Response to Amendment

Withdrawn Rejections

2. The 35 U.S.C. 112, 2nd paragraph rejection of claims 1-5, 9-11 is withdrawn due to Applicant's amendment dated 07/30/08.

New Rejections

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-5, 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (JPO Website Machine English Translation of JP 07-134212) in view of Kitamura (JPO Website Machine English Translation of JP 07-198945).

Regarding claims 1-2, 13, Matsumoto teaches an adhesive comprising glyoxal (abstract) which is a crosslinking agent, in an amount within the range of 2 to 50 parts by weight relative to 100 parts by weight of a polyvinyl alcohol-based resin (abstract), which contains the claimed range of more than 30 parts by weight and 46 parts by weight or less, wherein the adhesive is used to adhere a transparent protective film on at least one surface of a polarizer (protective film stuck to at least one side of a polarizing film through a PVA adhesive, abstract, excellent in optical transparency, as protective film, [0009]) to form a polarizing plate ([0016]). Matsumoto fails to teach that the polyvinyl alcohol-based resin has an acetoacetyl group.

However, Kitamura teaches that it is well-known in the art to introduce acetoacetyl groups to polyvinyl alcohol-based resin adhesives (publicly known method, [0020], AA-ization of PVA made from saponifying polyvinyl acetate, and PVA of the derivative, [0021]), for the purpose of providing the desired moisture resistance ([water resisting property, [0022]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have introduced acetoacetyl groups to the polyvinyl alcohol-based resin adhesive of Matsumoto, in order to obtain an adhesive that has the desired moisture resistance, as taught by Kitamura.

It is noted that the recitation of "for a polarizing plate used to adhere a transparent protective film on at least one surface of a polarizer" is one of intended use and thus not given any patentable weight.

Regarding claim 3, Matsumoto teaches that the polarizer is a polyvinyl alcohol-based polarizer (system, [0006]) and that the transparent protective film is a cellulose-based transparent protective film ([0009]).

Regarding claim 4, Matsumoto teaches a polarizing plate ([0006]) in which a transparent protective film ([0009]) is provided on at least one surface of a polarizer with an adhesive layer, wherein the adhesive layer is formed with the adhesive for polarizing plate (glue line, [0016]).

Regarding claim 5, Matsumoto teaches that a thickness of the adhesive layer is within the range of 5,000 nm or less (5 micrometers, [0015]), which contains the claimed range of from 1 to 1,000 nm.

Regarding claims 9-11, Matsumoto fails to teach an optical film comprising the polarizing plate, or an image display comprising the optical film or the polarizing plate itself.

However, Kitamura teaches that an image display comprises a polarizing plate (liquid crystal displaying body, [0029]), for the purpose of obtaining the desired polarized light. Furthermore, an optical film comprising the polarizing plate, such as a film laminate of an optical compensator with the polarizing plate, for the purpose of providing the desired optically compensated polarized light, is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have disposed the polarizing plate of Matsumoto in an image display, in order to provide the display with the desired polarized light, as taught by Kitamura, and to have provided an optical film comprising the polarizing plate in the

display, in order to obtain the desired optically modified polarized light, such as with an optical compensator, as is well known in the art.

Regarding claim 12, the recitation of "for a polarizing plate used to adhere a transparent protective film on at least one surface of a polarizer" in parent claim 1 is one of intended use and thus not given any patentable weight, as discussed above. As such, the recitation of "wherein the transparent protective film has a retardation value in a film thickness direction represented by $R_{th} = [(n_x + n_y)/2 - n_z] \times d$ of from -90 nm to +75 nm ..." is also one of intended use and not given any patentable weight.

Regarding claim 14, Kitamura teaches that the crosslinking agent can comprise a compound having a methylol group instead of glyoxal (alkylation methylol urea, [0023]) for the purpose of providing the desired amount of crosslinking.

Regarding claim 15, Matsumoto teaches that a thickness of the adhesive layer is within the range of 5,000 nm or less (5 micrometers, [0015]), which contains the claimed range of from 1 to 95 nm.

Response to Arguments

4. Applicant's arguments regarding the meaning of the term "acetalization" in the JPO website Machine English translation of Matsumoto have been considered but are moot in view of the new grounds of rejection.
5. Applicant has requested evidence for the statement in the Office action dated 03/31/08, and reiterated above, namely that "an optical film comprising the polarizing

plate, such as a film laminate of an optical compensator with the polarizing plate, for the purpose of modifying the polarized light, is well known in the art.”

Applicant is respectfully referred to US 6,404,469 which teaches the optical film laminate comprising the polarizing plate.

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks, can be reached on (571)272-1401. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sophie Hon/
Examiner, Art Unit 1794